

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL No. 1456
LITIGATION)	
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THIS DOCUMENT RELATES TO:)	CIVIL ACTION: 01-CV-12257-PBS
)	
ALL ACTIONS)	Judge Patti B. Saris
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PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL

Plaintiffs, by their attorneys, respectfully move this Court for leave to file under seal the following pleadings and other materials: (a) Plaintiffs' Memorandum in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice and the (b) Declaration of Robert F. Lopez in Opposition to Immunex Corporation's Motion for Protective Order Regarding May 17, 2006 Deposition Notice.

The foregoing items include excerpts from a database that Immunex Corporation ("Immunex") has designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" pursuant to the terms of the December 13, 2004 Protective Order. Paragraph 15 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

While plaintiffs seek to file the above-listed items under seal in order to comply with the Protective Order, plaintiffs believe that much if not all of the material that Immunex has designated "CONFIDENTIAL" or HIGHLY CONFIDENTIAL is not truly confidential or highly

confidential. Accordingly, plaintiffs reserve the right to move for an order unsealing the referenced pleadings, and, as appropriate, some or all of the referenced database.

Finally, plaintiffs have contacted counsel for Immunex, and Immunex does not oppose this motion to file under seal.

WHEREFORE, plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

DATED: May 31, 2006

By /s/ Steve W. Berman

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**CO-LEAD COUNSEL FOR
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CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL** be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on May 31, 2006, a copy to LexisNexis File and Serve for Posting and notification to all parties.

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